

**AMENDMENTS TO THE CLAIMS**

The text of all pending claims, including withdrawn claims, is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~striketrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please CANCEL claims 1, 3-9, 11-16, 18-22, 31-33, 35, 36, and 37-44 without prejudice or disclaimer.

1-22 (CANCELLED)

23. (ORIGINAL) An apparatus for controlling a monitor photo diode, which monitors an optical signal output from a laser diode for writing data on or reading data from a disk, the apparatus comprising:

a comparator which compares a voltage signal corresponding to a detected optical power output from the laser diode with a predetermined reference voltage signal;

a medium gain selector which selectively issues a first gain selected from a first plurality of gains to the comparator depending on a type of the disk; and

an operation gain selector which selectively issues a second gain selected from a plurality of output gains to the comparator depending on a type of the optical signal output from the laser diode so as to issue a monitoring signal according to the issued first and second gains for use in controlling the laser diode, the output gains being multiplied by the output of the medium gain selector.

24. (ORIGINAL) The apparatus of claim 23, wherein the medium gain selector issues as the first gain a third gain when the disk is a CD and a fourth gain other than the third gain when the disk is a DVD.

25. (ORIGINAL) The apparatus of claim 23, wherein the operation gain selector issues as the second gain a third gain when a command is issued to output a preheating overpower to the laser diode and a fourth gain other than the third gain when a command is issued to output a write or a read power to the laser diode.

26. (ORIGINAL) The apparatus of claim 25, wherein the third gain is set so that a predetermined cut-off voltage is output when the detected optical power is substantially the overpower.

27. (ORIGINAL) The apparatus of claim 25, wherein the fourth gain is set so that a predetermined cut-off voltage is output when the detected optical power is the write or the read power.

28. (ORIGINAL) The apparatus of claim 23, wherein the operation gain selector selects a greater gain from the second plurality of gains when a command is issued to output a write or a read power to the laser diode than a gain issued when a command is issued to output a preheating overpower to the laser diode.

29. (ORIGINAL) The apparatus of claim 23, further comprising an optical pickup controller that transmits a power enable signal for driving the laser diode, wherein if the power enable signal is input to the laser diode from the optical pickup controller, the operation gain selector provides a gain for an overpower, and if the power enable signal is not input to the laser diode, the operation gain selector provides another gain for a write or a read power.

30. (ORIGINAL) The apparatus of claim 29, wherein the power enable signal is an overpower enable signal input to the laser diode from the optical pickup controller.

31-33 (CANCELLED)

34. (ORIGINAL) An optical recording and/or reproducing system including the apparatus for controlling the monitor photo diode of claim 23 and further comprising an optical pickup having the laser diode and a controller which controls the optical pickup to transfer data with respect to the disk and which drives the laser diode according to the monitoring signal.

35-44. (CANCELLED)